

8840.6100 RECORDS.

Subpart 1. **Availability to commissioner.** A provider shall keep the records required in this chapter and in Minnesota Statutes, section 174.30. The records must be kept on a form prescribed by the commissioner or on a form that contains the same information as the commissioner's prescribed form. Records may be kept electronically but must be kept in such a manner that they may be presented upon request by the commissioner at the provider's principal place of business.

Subp. 2. [Repealed, 28 SR 1578]

Subp. 3. **Drivers.** A provider shall maintain for each driver, a file that contains the following information:

- A. the name, as it appears on the driver's license, address, and birthdate of the driver;
- B. the driver's license number and class of the license;
- C. whether the driver's record meets the standards of part 8840.5900, subpart 11, the date the driver's record was last checked, and the name of the person who checked the driver's record;
- D. the date the driver first provided special transportation service for the provider;
- E. the certificate of course completion showing that:
 - (1) the driver successfully completed at least four hours of training in first aid as required by part 8840.5910, subpart 4, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;
 - (2) the driver successfully completed training in the techniques of transporting and assisting the elderly and passengers with physical disabilities as required by part 8840.5910, subpart 5 or 6, whichever is applicable;
 - (3) the driver received the training required before providing special transportation service, described in part 8840.5910, subpart 1;
 - (4) the driver received the additional training required by part 8840.5910, subpart 2; and
 - (5) the driver completed the refresher and continuing education courses described in part 8840.5910, subpart 9;
- F. a statement that must:
 - (1) be signed by the person who conducted the review of a driver's criminal and driving record as required by part 8840.5900, subparts 13 and 13a;
 - (2) contain the date the driver's records were checked, the driver's full name and date of birth, and the list of disqualifying offenses, if any;
 - (3) state whether the driver was found to meet the standards of part 8840.5900, subparts 10 and 11;

(4) if the driver was found not to meet the standards in subitem (3), contain the date the driver became disqualified, the reason for the disqualification, and the date the commissioner was notified; and

(5) include the documents relied upon for the provider's review to determine the driver was or was not disqualified under part 8840.5900;

G. for each driver, the medical examiner's certificate or other alternate information allowed under Minnesota statutes or rules and a copy of the documents providing that information; and

H. for each driver, documentation from the Department of Human Services determining the eligibility of the driver under the background study required by Minnesota Statutes, section 174.30, subdivision 10, paragraph (b).

Subp. 4. **Attendants.** A provider shall maintain for each attendant, a file that contains the following information:

A. the name, as it appears on government-issued identification, and address of the attendant;

B. the date the attendant first provided assistance in special transportation service for the provider;

C. the certificate of completion showing that:

(1) the attendant successfully completed at least four hours of training in first aid as required by part 8840.5910, subpart 4, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;

(2) the attendant successfully completed training in the techniques of transporting and assisting the elderly and passengers with physical disabilities as required by part 8840.5910, subpart 5 or 6, whichever is applicable;

(3) the attendant received the training required by part 8840.5910, subpart 1;

(4) the attendant received the additional training required by part 8840.5910, subpart 2; and

(5) the attendant completed the refresher course and continuing education courses described in part 8840.5910, subpart 9; and

D. for each attendant, documentation from the Department of Human Services determining the attendant's eligibility.

Subp. 5. **Correspondence with commissioner.** A provider shall maintain files that contain all correspondence with the commissioner, including the certificate of compliance.

Subp. 6. **Accidents.** A provider shall maintain files that contain all accident records, including for each accident the following information:

A. date of the accident;

- B. city or town in which or most near where the accident occurred;
- C. driver name;
- D. number of injuries or fatalities;
- E. description of the accident;
- F. number of passengers in the vehicle at the time of the accident;
- G. the vehicle identification number of the vehicle involved in the accident;

H. whether the driver was convicted of a moving violation for driving conduct that led to the accident; and

I. copies of all accident reports required by state or other governmental entities or insurers.
"Accident" means an occurrence involving a motor vehicle that results in:

- (1) a fatality;
- (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring that a motor vehicle be transported away from the scene by a tow truck or other motor vehicle.

Subp. 7. **Insurance claims.** A provider shall maintain files that contain a record of insurance claims arising from the operation of the vehicle or a photocopy of claims documents submitted to an insurer.

Subp. 8. **Vehicle and wheelchair lift service records.** A provider shall maintain files that contain service records for each vehicle and wheelchair lift indicating the date, the odometer reading, and the nature of the inspection, repair, or maintenance each time the vehicle or wheelchair lift was serviced.

Subp. 8a. **Trip records.** A provider shall maintain files that contain records of the date, time, and driver name for each special transportation service trip provided under the provider's certificate of compliance.

Subp. 9. **Safety inspection and maintenance records.** A provider shall maintain files that contain:

- A. the safety inspection records described in part 8840.5950, and maintenance records described in part 8840.5975 for each vehicle, unless it is maintained in the vehicle; and
- B. the certification of compliance with federal motor vehicle safety standard number 216 or 220 or equivalent documentation required by part 8840.5940, subpart 1.

Subp. 10. **Retention.** A provider shall keep the records required under this chapter for a minimum of three years, except that the daily safety inspection records required under part 8840.5950 must be kept for only a three-month period.

Statutory Authority: *MS s 174.30*

History: *17 SR 634; 28 SR 1578; L 2005 c 56 s 2; 48 SR 155*

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